

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2019

CORAM
THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.35748 and 35749 of 2005
and
MP.Nos.38551 and 38552 of 2005

1. P.Chandrasekar ..Petitioner in
WP.No.35748 of 2005)

2. K. Anandamoorthy ..Petitioner in
WP.No.35749 of 2005)

vs

1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St.George, Chennai-9.

2.The Chairman,
Tamil Nadu Uniformed Service,
Recruitment Board,
No.4, 9th Cross Street,
Indra Nagar, Chennai-20.

3.The Director General of Police,
Mylapore, Chennai-4.

4. K.Rajaram .. Respondents
(in both writ petitions)

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1 to 3 respondents to select the petitioners (code numbers 01/2337, 12095) for the post of Sub-Inspector and send him for medical examination and police verification and appoint him as a Sub-Inspector of Police with all the accruing benefits with the year 1997 and 98.

For Petitioner : Mr.R.Srinivas

For Respondents : Mrs.R.Janaki
Addl.Govt.Pleader for R1 to R3
R4 dismissed vide Court order
dated 24.06.2011.(Both writ petitions)

COMMON ORDER

Against the non-selection of writ petitioners for appointment to the post of Sub-Inspector of Police in Tamil Nadu Police Service is under challenge in the present writ petitions.

2. The grounds raised in the writ petitions are that, the cut-off mark prescribed for the service candidate has been adopted for the 4th respondent and therefore, the same must be adopted to the writ petitioners also. It is contended that the non-selection of writ petitioners for the appointment to the post of Sub-Inspector of Police is not only arbitrary but discriminatory.

3. The writ petitioners contends that their fundamental rights are violated. The core contention raised on behalf of the writ petitioners is that, two different yardsticks are followed for the purpose of selection for appointment to the post of Sub-Inspector of Police in the Tamil Nadu Police service. Thus, the writ petitioners ought to have been selected and appointed.

4. This Court is of an opinion that, appointment can never be claimed as a matter of right. All appointment are to be made under the Constitutional schemes and by following the procedures contemplated under the recruitment rules in force. There cannot be any violation of service rules in the matter of recruitment by the Authorities Competent. The rules and the notification issued for recruitment to the post of Sub-Inspector of Police is not under challenge in the present writ petitions.

5. The present writ petitions are filed for the Writ of Mandamus to direct the respondents to select the petitioners for appointment to the post of Sub-Inspector of Police. Selection can never be claimed as a matter of right and even a selected candidate cannot seek a direction for appointment. The selection can be challenged on certain limited grounds. If the selection process is conducted in violation of the statutory rules in force or if any corrupt activities involved in the process of selection, then the Courts can interfere.

6. However, no such instances has been furnished in the present writ petitions. Contrarily, the writ petitioners have set out a ground by stating that, the benefits granted to the inservice candidates are not granted to the direct recruitment candidates. Inservice candidates and open market candidates who are aspiring for direct recruitment cannot be compared. Certain benefits extended to the inservice candidates may not be applicable to the candidates who all are directly applying for recruitment. Thus, the equality class can be invoked by the equals and there cannot be any equality in respect of unequals.

7. Further, the present writ petitions was filed during the year 2005 and even at the point of time, the writ petitioners are in verge of reaching over age. Now after a lapse of 13 years from the date of selection, the grounds raised in the present writ petitions deserves no merit consideration and this apart, the writ petitioners has not established any acceptable grounds for the purpose of issuing any such direction as such sought for in the present writ petitions to direct the respondents to select the writ petitioners and to appoint them as Sub-Inspector of Police.

8. Accordingly, the writ petitions are devoid of merits and stands dismissed. No Costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St.George, Chennai-9.
- 2.The Chairman,
Tamil Nadu Uniformed Service,
Recruitment Board,
No.4, 9th Cross Street,
Indra Nagar, Chennai-20.
- 3.The Director General of Police,
Mylapore, Chennai-4.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.7946

W.P.Nos.35748 and 35749 of 2005

MN(CO)

rrs 21/03/2019